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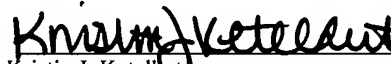
DOCKET NO.: I0248.70015US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bachovchin et al.  
Serial No.: 10/725,952  
Confirmation No.: 3968  
Filed: December 1, 2003  
For: STIMULATION OF HEMATOPOIETIC CELLS IN VITRO  
Examiner: Not Yet Assigned  
Art Unit: 1631

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 30<sup>th</sup> day of March, 2005.

  
Kristin J. Ketelhut

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Bachovchin et al., Applicant*

By:



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Docket No.: I0248.70015US01  
Date: March 30 2005  
xNDDx



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Kristin J. Ketelhut

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Serial No.: 10/725,952  
Conf. No.: 3968

- 2 -

Art Unit: 1631

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
I0248.70012US00	09/578,363	25 May 2000	Wallner et al.
I0248.70013US00	09/290,376	12 April 1999	Wallner
I0248.70014US00	09/744,658	13 August 1999	Wallner
I0248.70022WO00	PCT/US2005/00079	10 January 2005	McLean et al.
*I0248.70024US00	10/616,409	9 July 2003	Adams et al.
I0254.70007US00	09/289,321	9 April 1999	Bachovchin
*I0254.70007US01	11/030,591	6 January 2005	Bachovchin
*I0254.70008US01	10/775,598	10 February 2004	Bachovchin
*I0254.70014US01	10/778,667	13 February 2004	Huber

\*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the enclosed search report(s) and other communication(s) from a corresponding International Application.

<u>Docket No.</u>	<u>Serial No.</u>	<u>Mailing Date</u>	<u>Type of Communication(s)</u>
I0248.70005WO00	PCT/US98/20343	5 January 2000	International Preliminary Examination Report
I0248.70005WO00	PCT/US98/20343	2 December 1999	Written Opinion
I0248.70005WO00	PCT/US98/20343	22 October 1999	Written Opinion
I0248.70005WO00	PCT/US98/20343	23 February 1999	International Search Report

### PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

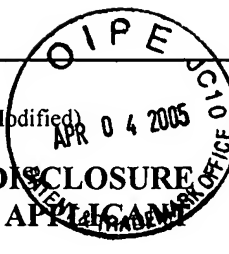
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Bachovchin et al., Applicant*

By:   
\_\_\_\_\_  
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Telephone: (617) 646-8000

Docket No.: I0248.70015US01  
Date: March 30, 2005  
xNDDx



FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

APPLICATION NO.: 10/725,952

ATTY. DOCKET NO.: 10248.70015US01

FILING DATE: December 1, 2003

CONFIRMATION NO.: 3968

APPLICANT: Bachovchin et al.

GROUP ART UNIT: 1631

EXAMINER: Not Yet Assigned

Sheet 1 of 10

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
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	*A2	4,443,609		Qude Alink et al.	04-17-1984
	*A3	4,499,082		Shenvi et al.	02-12-1985
	*A4	4,582,821		Kettner et al.	04-15-1986
	*A5	4,636,492		Kettner et al.	01-13-1987
	*A6	4,644,055		Kettner et al.	02-17-1987
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	*A22	5,506,130		Peterson et al.	04-09-1996
	*A23	5,527,923		Klingler et al.	06-18-1996
	*A24	5,543,396		Powers et al.	08-06-1996
	*A25	5,554,728		Basava et al.	09-10-1996
	*A26	5,635,386		Palsson et al.	06-03-1997
	*A27	5,635,387		Fei et al.	06-03-1997
	*A28	5,646,043		Emerson et al.	07-08-1997
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	A30	4,999,082		Krenner et al.	03-12-1991
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	A32	6,040,145		Huber et al.	03-21-2000
	A33	6,100,234		Huber et al.	08-08-2000
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FORM PTO-1449/A and B (Modified)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/725,952		ATTY. DOCKET NO.: I0248.70015US01			
				FILING DATE: December 1, 2003		CONFIRMATION NO.: 3968			
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				GROUP ART UNIT: 1631		EXAMINER: Not Yet Assigned			
Sheet	2	of	10						

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
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	A40	6,825,169	B1	Bachovchin et al.	11-30-2004
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	A43	2004-0077601	A1	Adams et al.	04-22-2004
	A44	2005-0037976	A1	Wallner et al.	02-17-2005

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		Office/ Country	Number	Kind Code			
	*B1	DD	158109		Martin-Luther-Universitaet Halle Wittenberg	12-29-1982	Y- Abstract Only
	*B2	DD	270382	A1	Martin-Luther-Universitaet Halle Wittenberg	07-26-1989	Y- Abstract Only
	*B3	DD	296075	A5	Martin-Luther-Universitaet Halle Wittenberg	11-21-1991	Y- Abstract Only
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	*B7	EP	0 471 651	A2	Sandoz Ltd.	02-19-1992	
	*B8	EP	0 481 311	A2	Merck Patent Gesellschaft	10-18-1990	
	*B9	EP	0 615 978	A1	Adir et Compagnie	09-21-1994	
	*B10	EP	0 688 788	A1	Adir et Compagnie	06-22-1994	
	*B11	WO	89/03223	A1	Bachovchin et al.	04-20-1989	
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	*B13	WO	91/17767	A1	New England Medical Center Hospitals, Inc.	11-28-1991	
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	*B15	WO	92/17490	A1	The Upjohn Company	10-15-1992	
	*B16	WO	93/02057	A1	Smith-Kline Beecham Corporation	02-04-1993	
	*B17	WO	93/05011	A1	Sandoz Ltd.	03-18-1993	
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	*B19	WO	93/10127	A1	Boehringer Ingelheim Pharmaceuticals, Inc.	05-27-1993	
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Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	*B23	WO	94/20526	A1	Sandoz-Erfindungen Verwaltungsgesellschaft M.B.H.	09-15-1994	
	*B24	WO	94/25873	A1	Hall	11-10-1994	
	*B25	WO	94/28915	A1	Institut Pasteur	12-22-1994	
	*B26	WO	94/29335	A1	Astra Aktiebolag	12-22-1994	
	*B27	WO	95/11689	A1	Trustees of Tufts College	05-04-1995	
	*B28	WO	95/15309	A1	Ferring B.V.	06-08-1995	
	*B29	WO	95/12618	A1	Eurogenetics N.V.	05-11-1995	
	*B30	WO	95/29190	A1	Institut Pasteur	11-02-1995	
	*B31	WO	95/29691	A1	Georgia Tech Research Corporation	11-09-1995	
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	B40	WO	99/62914	A1	Point Therapeutics, Inc.	12-09-1999	
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	B42	WO	00/71135	A1	Point Therapeutics, Inc.	11-30-2000	
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	B44	WO	2004/004661	A2	Point Therapeutics, Inc.	01-15-2004	

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
	*C1	[No Author Listed] Perstorp Biotec Company, Molecular Biology Catalog. 1994.		
	*C2	AGUILA et al., From stem cells to lymphocytes: biology and transplantation. Immunol Rev. 1997 Jun;157:13-40.		
	*C3	ANSORGE et al., CD26/dipeptidyl peptidase IV in lymphocyte growth regulation. Adv Exp Med Biol. 1997;421:127-40.		
	*C4	AUSTIN et al., Proximity versus allosterity: the role of regulated protein dimerization in biology. Chem Biol. 1994 Nov;1(3):131-6.		
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	*C12	BODANSKY et al., Peptide Chemistry, A practical textbook. 1988: Springer-Verlag. p1-9.		
	*C13	BOROS et al., Fluoroolefin peptide isosteres: tools for controlling peptide conformations. Tetrahedron Lett. 1994;35:6033-6.		
	*C14	BRADY et al., Drug design. Reflections on a peptide. Nature. 1994 Apr 21;368(6473):692-3.		
	*C15	BRANDER et al., Heterogeneous T cell responses to beta-lactam-modified self-structures are observed in penicillin-allergic individuals. J Immunol. 1995 Sep 1;155(5):2670-8. Abstract Only.		
	*C16	BRISTOL et al., Characterization of a novel rat thymocyte costimulating antigen by the monoclonal antibody 1.3. J Immunol. 1992 Jan 15;148(2):332-8. Abstract Only.		
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	*C18	BRISTOL et al., Inhibition of CD26 enzyme activity with pro-boropro stimulates rat granulocyte/macrophage colony formation and thymocyte proliferation in vitro. Blood. 1995 Jun 15;85(12):3602-9.		
	*C19	BUNGY et al., Mapping of T cell epitopes of the major fraction of rye grass using peripheral blood mononuclear cells from atopics and non-atopics. II. Isoallergen clone 5A of Lolium perenne group I (Lol p I). Eur J Immunol. 1994 Sep;24(9):2098-103. Abstract Only.		
	*C20	CHAN et al., 32 cases of sympathetic ophthalmia. A retrospective study at the National Eye Institute, Bethesda, Md., from 1982 to 1992. Arch Ophthalmol. 1995 May;113(5):597-600. Abstract Only.		
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<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/725,952		ATTY. DOCKET NO.: I0248.70015US01	
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Sheet	5	of	10				

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
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	*C32	DUPONT et al., Immunology of hematopoietic stem cell transplantation: a brief review of its history. Immunol Rev. 1997 Jun;157:5-12.		
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	*C34	EL FAR et al., Antigens associated with N- and L-type calcium channels in Lambert-Eaton myasthenic syndrome. J Neurochem. 1995 Apr;64(4):1696-702. Abstract Only.		
	*C35	FAUCI et al., The human immunodeficiency virus: infectivity and mechanisms of pathogenesis. Science. 1988 Feb 5;239(4840):617-22. Review. Abstract Only.		
	*C36	FLEISHER et al., Triggering of cytotoxic T lymphocytes and NK cells via the Tp103 pathway is dependent on the expression of the T cell receptor/CD3 complex. J Immunol. 1988 Aug 15;141(4):1103-7. Abstract Only.		
	*C37	FLENTKE et al., Inhibition of dipeptidyl aminopeptidase IV (DP-IV) by Xaa-boroPro dipeptides and use of these inhibitors to examine the role of DP-IV in T-cell function. Proc Natl Acad Sci U S A. 1991 Feb 15;88(4):1556-9.		
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	*C39	GOODMAN et al., On the concept of linear modified retro-peptide structures. Acc Chem Res. 1979;12(1):1-7.		
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/812,528, filed March 20, 2001, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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